

9.11.00.00 - DEPOSITS AND SCHEDULES

9.11.01.00 Deposit of Award and Costs

The District makes two separate deposits:

- **Amount of Award** - plus interest on possession (if any), computed to the date of payment of the award computed at the apportionment rate. (See CCP Sections 1268.310 and 1268.350.)
- **Amount of Defendant's Costs** - the State's attorney will advise the District of the amount of the property owner's legal costs. (See the Acquisition Chapter.)

9.11.02.00 Interest for Possession

If an OP is involved, the District deposits the award, together with interest, with the Court on the day the judgment in condemnation is signed and filed by the Court.

9.11.03.00 Interest on Award

Compensation, including damages, awarded in an eminent domain proceeding draws interest pursuant to CCP Section 1268.310 from the earliest of the following dates:

- The date of entry of judgment.
- The date the plaintiff takes possession of the property.
- The date after which the plaintiff is authorized to take possession of the property as stated in an OP.

The compensation award ceases to draw interest pursuant to CCP Section 1268.320 on the earliest of the following dates:

- The date the amount deposited as probable compensation has been withdrawn by the person entitled thereto.
- The date of deposit of the amount of the award.
- The date a person is paid the amount to which they are entitled.

9.11.04.00 Offset Against Interest

If after the date interest begins to accrue (date of possession), the defendant continues in actual possession of or receives rent, issues, or profits from the property, the value of such possession and of such rents or other income is offset against the interest that accrues during such period. (CCP Section 1268.330(b)) Value of possession should be presumed to be the rate of interest on the compensation award for the period defendant continues in possession and receives rent or other income. The District gathers the necessary facts to determine whether an offset against interest should be made so this issue may be tried in the condemnation proceedings.

9.11.05.00 Receipt for Deposit

When a deposit is made with the Court, the District must obtain a receipt from the County Clerk in order to obtain the FOC and to schedule payment of the judgment.

9.11.06.00 Appeal or Motion for New Trial by Defendant - State in Possession

The District should deposit the amount of the judgment at time of entry of judgment to stop the accrual of interest. Except where the defendant has withdrawn the judgment award, the State should not obtain the FOC until the appeal is terminated and the judgment becomes final. Otherwise, the State would be responsible for creating a cloud on the title should the judgment be reversed.

It is particularly important that the Department not withdraw the security deposit under an OP during the pendency of an appeal. If the judgment is reversed, State's possession would not be supported by the constitutionally required security deposit.

9.11.07.00 Scheduling of Judgments for Payment

To schedule payment for judgments, the district submits Form RW 9-20, Condemnation Check Request-Invoice to R/W Accounting together with, but not limited to, the following items:

- **Judgment in Condemnation** - A certified copy specifying the amount of compensation to be paid by State.
- **Interest Calculation Worksheet** - one copy, if applicable.
- **Federal Participation Memo (Form RW 8-16)** - two copies.

Explain in detail any difference between the amount of the judgment and the amount being scheduled and not accounted for above.

A certified copy of the FOC is retained in District files. A certified copy is defined as a copy that has been formally certified by the County Clerk as a true and correct copy of the original on file. Endorsed or conformed copies are identical to the original but have not been certified as true and correct copies.

9.11.08.00 Tax Identification Numbers

Requirements for securing Tax Identification Numbers in condemnation cases are identical to the regular acquisition procedures described in Manual Section 8.04.43.00. Every effort should be made to secure vendor data records for all condemnees.